

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

**NOTICE OF HEARING AND MOTION FOR ORDER
AUTHORIZING RULE 2004 EXAMINATIONS**

1. Randall L. Seaver, the Chapter 7 Trustee (the “**Trustee**”) in the above-referenced case, applies to the Court for authorization to conduct Bankruptcy Rule 2004 examinations of the following and gives notice of hearing:

- A. Dennis E. Hecker
- B. Kaplan, Strangis & Kaplan, P.A.
- C. Peter Hasselquist
- D. Twin City Toyota, LLC
- E. Stephen J. McDaniels
- F. Midwest Motors, LLC
- G. Tamitha D. Hecker
- H. Rich Hage
- I. Susan Miller
- J. Greg Orthun
- K. Grant Thornton LLP
- L. Baker Tilly Virchow Krause LLP
- M. Briggs & Morgan, P.A.
- N. Chrysler Financial Services Americas, LLC
- O. Spring Hill Golf Club
- P. Wayzata Country Club
- Q. Riverwood Bank
- R. Christi M. Rowan
- S. The Crown Jewelers
- T. Susan Rhode
- U. James W. Plummer
- V. John “Chip” Lohmiller
- W. Bill Prohovsky
- X. Dan Aldridge
- Y. Allen Eide
- Z. The Whitney Hotel
- AA. Erik Dove
- BB. Venture Bank

CC. Premier Bank
DD. Vision Bank
EE. Pat Terharr
FF. TCF Bank
GG. US Bank
HH. Wells Fargo Bank
II. Wild Prairie Harley Davidson
JJ. Crosslake Property Solutions

2. The Court will hold a hearing on this motion on August 13, 2009 at 10:00 a.m. before the Honorable Robert J. Kressel in Courtroom 8 West, 300 South Fourth Street, Minneapolis, Minnesota 55415, or as soon thereafter as counsel may be heard.

3. Any response to this motion must be filed and delivered no later than August 10, 2009 which is three (3) days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than August 4, 2009, which is seven (7) days before the time set for the hearing (excluding Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This case was commenced as an involuntary Chapter 7 case on June 4, 2009. The case is now pending in this Court. This Court has jurisdiction over this application pursuant to 28 U.S.C. §§157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. This Application arises under Bankruptcy Rule 2004. This Application is filed under Local Rule 2004-1.

5. The entities for which Rule 2004 examination authority is sought are as follows and are expected to have the following information:

- a. Dennis E. Hecker: the Debtor.
- b. Kaplan, Strangis & Kaplan, P.A.: this firm represented Debtor in the sale of Denny Hecker's Inver Grove Toyota ("**Dealership**") which included a "Personal Services Agreement" ("**PSA**"). On or about June 18, 2005, the Court approved a settlement which reserved parties rights, claims and interests in the PSA. The Kaplan firm will have files, records, and knowledge of the transaction and the negotiations related thereto.

- c. Peter Hasslequist and Twin City Toyota, LLC: Mr. Hasslequist is the Chief Executive Office of this corporate entity which was to be the original buyer of the Dealership. They will have knowledge about the PSA.
- d. Stephen McDaniels and Midwest Motors, LLC: Mr. McDaniels is the President of this corporate entity which is the actual buyer of the Dealership. Midwest Motors, LLC has commenced making payments under the PSA to the Trustee.
- e. Tamitha Hecker is Debtor's spouse. She possesses knowledge about financial affairs pertinent to this bankruptcy case.
- f. Rich Hage, Susan Miller, Greg Orthun, Grant Thornton LLP, Baker Tilly Virchow Krause LLP are all listed in Debtors' schedules as individuals or entities involved in Debtor's financial affairs.
- g. Briggs & Morgan, P.A. represented Debtor in litigation with Chrysler Financial Services Americas, LLC ("**Chrysler**").
- h. Chrysler has information relating to its business dealings with Debtor and his business entities.
- i. Spring Hill Golf Club and Wayzata Country Club– Debtor had memberships at said clubs which may have value to the estate.
- j. Riverwood Bank engaged in real estate transactions with Debtor, or his entities, on real estate in Crosslake, Minnesota.
- k. Christi M. Rowen – A tenant of Debtor's former home and recipient of transfers may possess information about Debtor's financial affairs.
- l. The Crown Jewelers – Both the entity and its officers or employees have engaged in sales and financial transactions with the Debtor.
- m. Susan Rhode: Ms. Rhode is an attorney representing the Debtor and possesses records relating to his financial affairs.
- n. John "Chip" Lohmiller – Mr. Lohmiller and is a friend and business associate of the Debtor. Mr. Lohmiller possesses information regarding the Debtor's financial affairs and, in particular, those of Crosslake, MN.
- o. James W. Plummer, Bill Prohovsky and Dan Aldridge are all purported tenants or individuals with authorized access to Debtor's properties in Crosslake. Mr. Prohovsky is Debtor's former father-in-law.
- p. Allen Eide – is a business associate of the Debtor and may have information related to the Debtor's financial affairs.

- q. The Whitney Hotel: has information regarding charges and payments of the Debtor.
- r. Erik Dove – is a business associate of Debtor with intimate knowledge of his financial affairs.
- s. Venture Bank, Premier Bank, Vision Bank, TCF Bank, US Bank and Wells Fargo Bank - all of the foregoing will have records relating to Debtor's financial affairs.
- t. Pat Terharr - is a business associate of the Debtor and may have information related to the Debtor's financial affairs.
- u Wild Prairie Harley Davidson - Both the entity and its officers or employees have engaged in sales and financial transactions with the Debtor.
- v. Crosslake Property Solutions - possesses information regarding the Debtor's financial affairs and, in particular, those of Crosslake, MN.

WHEREFORE, the Trustee requests that this Court enter an order approving, pursuant to Bankruptcy Rule 2004, the Trustee's examination of Dennis E. Hecker, Kaplan, Strangis & Kaplan, P.A., Peter Hasselquist, Twin City Toyota, LLC, Stephen J. McDaniels, Midwest Motors, LLC, Tamitha D. Hecker, Rich Hage, Susan Miller, Greg Orthun, Grant Thornton LLP, Baker Tilly Virchow Krause LLP, Briggs & Morgan, P.A., Chrysler Financial Services Americas, LLC, Spring Hill Golf Club, Wayzata Country Club, Riverwood Bank, Christi M. Rowen, The Crown Jewelers, Susan Rhode, John "Chip" Lohmiller, James W. Plummer, Bill Prohovsky, Dan Aldridge, Allen Eide, The Whitney Hotel, Erik Drove, Venture Bank, Premier Bank, Vision Bank, Pat Terharr, TCF Bank, US Bank, Wells Fargo Bank, Wild Prairie Harley Davidson and Crosslake Property Solutions.

**LEONARD, O'BRIEN
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: July 22, 2009

By _____
Matthew R. Burton, #210018
Attorney for Randall L. Seaver - Trustee
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402-1216
(612) 332-1030

VERIFICATION

I, Randall L. Seaver, the Trustee and moving party named in the foregoing notice of hearing and motion declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: July 22, 2009

/s/ Randall L. Seaver

Randall L. Seaver

403914

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 09-50779

In re:

Chapter 7

Dennis E. Hecker,

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2009, I caused the following documents:

Notice of Hearing and Motion for Order Authorizing Rule 2004 Examinations and Order (proposed)

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

- Patti H Bass ecf@bass-associates.com
- Bruce H. Carlson bruce.carlson@mlcfargolaw.com, tricia.fossen@mlcfargolaw.com
- Monica L. Clark clark.monica@dorseyllaw.com
- Gordon B. Conn conn@kwgc-law.com
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- Matthew A Swanson matthew.swanson@leonard.com, callie.sanford@leonard.com
- US Trustee ustpregion12.mn.ecf@usdoj.gov

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

SEE ATTACHED SERVICE LIST

Dated: July 22, 2009

/e/ Stephanie Wood

Stephanie Wood
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

406042

DENNIS E. HECKER
BKY CASE NO. 09-50779

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Bloomington, MN 55420

Midwest Motors, LLC
Attn: Stephen McDaniels, President
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Maplewood, MN, 55109

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Wayzata, MN 55391

Wayzata Country Club
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Wayzata, MN 55391

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Loan Production Office
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Crosslake, MN 56442

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Medina, MN 55391

The Crown Jewelers
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Bill Prohovsky
11700 Cross Avenue
Crosslake, MN 56442

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Minneapolis, MN 55403

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Inver Grove Heights, MN 55077

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Bloomington, MN 55437

Premier Bank
1875 W. Highway 36
Roseville, MN 55113

Vision Bank
3000-25th Street South, Suite 120
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

ORDER FOR RULE 2004 EXAMINATIONS

This case is before the court on the Motion of Randall L. Seaver, Trustee to allow him to conduct an examination pursuant to Federal Rule of Bankruptcy Procedure 2004.

Based on the files and records,

IT IS HEREBY ORDERED: The Trustee, Randall L. Seaver, may examine Dennis E. Hecker, Kaplan, Strangis & Kaplan, P.A., Peter Hasselquist, Twin City Toyota, LLC, Stephen J. McDaniels, Midwest Motors, LLC, Tamitha D. Hecker, Rich Hage, Susan Miller, Greg Orthun, Grant Thornton LLP, Baker Tilly Virchow Krause LLP, Briggs & Morgan, P.A., Chrysler Financial Services Americas, LLC, Spring Hill Golf Club, Wayzata Country Club, Riverwood Bank, Christi M. Rowen, The Crown Jewelers, Susan Rhode, John "Chip" Lohmiller, James W. Plummer, Bill Prohovsky, Dan Aldridge, Allen Eide, The Whitney Hotel, Erik Drove, Venture Bank, Premier Bank, Vision Bank, Pat Terharr, TCF Bank, US Bank, Wells Fargo Bank, Wild Prairie Harley Davidson and Crosslake Property Solutions herein pursuant to Federal Rule of Bankruptcy Procedure 2004.

Dated: _____

Robert J. Kressel
U.S. Bankruptcy Judge